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ABSTRACT

This booklet contains guidelines to assist school districts in developing programs that meet the requirements of the New York State Bureau of Bilingual Education. The guidelines are presented in six parts: (1) an explanation of part 154 of the regulations, the purpose of which is to establish standards for the use of funds made available by the Legislature to provide financial assistance to school districts having pupils of limited English proficiency (LEP); (2) notes on the identification of eligible students; (3) an outline of types of programs required by law, including guidelines for bilingual education and English Second Language programs; (4) guidelines for assessing a student's proficiency each year to determine continuing eligibility for state aid; (5) explanation of the plan districts are required to develop, which meets the needs of LEP students; and (6) exceptions to the New York State district plan, generally districts which are under court order or agreement with a Federal agency regarding provision of services to LEP students. There are four appendices that provide sample instruments, questionnaires, regulations on teacher certification, and alternative testing procedures for non-English speaking students. (AMH)

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GUIDELINES FOR THE DEVELOPMENT OF PROGRAMS FOR STUDENTS WITH LIMITED ENGLISH PROFICIENCY UNDER PART 154 OF THE REGULATIONS OF THE COMMISSIONER OF EDUCATION

The University of the State of New York
THE STATE EDUCATION DEPARTMENT
Bureau of Bilingual Education
Albany, New York 12234

1982

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INTRODUCTION

Through Chapter 53 of the Laws of 1981, districts are entitled to receive an additional 5 percent (.05) apportionment of State aid for each student of limited English proficiency (LEP) who is identified and placed in a program approved by the Commissioner of Education. Part 154 of the Regulations of the Commissioner of Education, effective July 10, 1981, prescribes programs which are approved by the Commissioner. This booklet contains guidelines to assist districts in developing programs that meet the requirements of these Regulations.

The regional offices of the Bureau of Bilingual Education where districts may obtain technical assistance regarding State aid for LEP students are:

- Albany regional office serving Albany, Broome, Chenango, Clinton, Columbia, Delaware, Dutchess, Essex, Franklin, Fulton, Greene, Hamilton, Herkimer, Jefferson, Lewis, Madison, Montgomery, Oneida, Orange, Otsego, Putnam, Rensselaer, Rockland, Saratoga, Schenectady, Schoharie, St. Lawrence, Sullivan, Tioga, Ulster, Warren, Washington and Westchester counties.

  Address:

  New York State Education Department
  Bureau of Bilingual Education
  Washington Avenue, Room 301 EB
  Albany, New York 12234 (518) 474-8775

- Western regional office serving Allegany, Cattaraugus, Cayuga, Chautauqua, Chemung, Cortland, Erie, Genesee, Livingston, Monroe, Niagara, Onondaga, Ontario, Orleans, Oswego, Schuyler, Seneca, Steuben, Tompkins, Wayne, Wyoming and Yates counties.

  Address:

  New York State Education Department
  Bureau of Bilingual Education
  Western Regional Office
  2 Pleasant Avenue West
  Lancaster, New York 14086 (716) 681-0100

- Long Island regional office serving Nassau and Suffolk counties.

  Address:

  New York State Education Department
  Bureau of Bilingual Education
  Long Island Regional Office
  Valentine and Plain Roads
  Westbury, New York 11590 (516) 997-7010
  ext. 280

● New York City regional office serving Manhattan, Bronx, Kings, Queens and Staten Island counties.

Address:

New York State Education Department
Bureau of Bilingual Education
New York City Regional Office
Two World Trade Center, Room 5040
New York, New York 10047 (212) 488-7294

I. AMENDMENT TO THE REGULATIONS OF THE COMMISSIONER OF EDUCATION

Part 154

Apportionment for Pupils with Limited English Proficiency

Section 154.1 Scope of Part. The purpose of this Part is to establish standards for the use of funds made available by the Legislature to provide financial assistance to school districts having pupils of limited English proficiency. In accordance with the provisions of this Part, each school district receiving such funds shall provide a program of bilingual education or English as a second language for pupils identified as having limited English proficiency.

154.2 Definitions. (a) Pupils with limited English proficiency shall mean pupils who by reason of foreign birth or ancestry, speak a language other than English, and

(1) either understand and speak little or no English; or

(2) score below the statewide reference point or its equivalent on an English language assessment instrument approved by the commissioner.

(b) English as a second language instruction shall mean an instructional program designed to teach English to pupils with limited English proficiency.

(c) Bilingual education shall mean a program of instruction, designed for pupils with limited English proficiency, in which there is instruction given in English, including English as a second language, and in the native language.

(d) Exceptions. (1) A school district, which is subject to a court order or a party to a pre-existing agreement with an appropriate Federal agency requiring programs substantially equivalent to or in excess of those required under these regulations, will not be required to comply with these regulations and will be eligible for funds under this Part so long as the district is in compliance with the court order or agreement.

(2) For the 1981-82 school year, a program may be approved which is not in full compliance with these regulations so long as the district is providing services to the eligible pupils for whom aid is to be paid, provided that such services are determined by the Commissioner to be appropriate services, and provided further that the Commissioner finds that the district will be in full compliance with these regulations by the 1982-83 school year.

154.3 Program requirements. In order to qualify for state aid for instruction provided to pupils with limited English proficiency, a school district shall meet the following criteria:

(a) Identification of eligible pupils. To be eligible for the program each pupil shall be identified, by use of an English language assessment instrument approved by the commissioner, as a pupil with limited English proficiency.

(b) Annual evaluation. A pupil's proficiency in the English language shall be measured, at least annually, in order to determine further participation in a program of bilingual education and/or English as a second language. The eligibility of a pupil for such instruction shall continue until such time as the pupil achieves a level of English language skills which will enable the pupil to perform successfully in classes in which instruction is given only in English.

(c) Types of programs. (1) Each school district which has an enrollment of twenty or more eligible pupils with limited English proficiency of the same grade level assigned to a building, all of whom have the same native language which is other than English, shall provide such pupils with bilingual education programs, including instruction in English as a second language.

(2) Each school district which has any eligible pupils with limited English proficiency of the same grade level assigned to a building, but which does not have twenty of such pupils with the same native language which is other than English, shall provide a program of English as a second language, and may also provide a program of bilingual education to such pupils.

154.4 District plan. Each district which is entitled to funds under this Part shall submit to the department a district plan to meet the educational needs of pupils with limited English proficiency, no later than September 1, 1981, and July 1 of each year thereafter. The plan shall:

(a) specify the instructional services to be provided;

(b) provide for the coordination of local, state, and federal funds;

(c) provide evidence that instruction is provided by personnel holding the appropriate certification; and

(d) provide any other information required by the commissioner relative to the planning, administration, funding, or evaluation of the program.

Effective July 10, 1981

II. IDENTIFICATION OF ELIGIBLE STUDENTS

How are eligible students identified?

Section 154.3(a) states how students must be identified:

> "To be eligible for the program each pupil shall be identified, by use of an English language assessment instrument approved by the commissioner, as a pupil with limited English proficiency."

English language assessment instruments are tests or procedures designed to assess one or more of the four language skills (listening/comprehension, speaking, reading, or writing). A list of instruments approved for this purpose appears in Appendix A.

Who are eligible students?

Section 154.2(a) of the Regulations of the Commissioner of Education defines LEP students as:

> "Pupils with limited English proficiency shall mean pupils who by reason of foreign birth or ancestry, speak a language other than English, and
>
> (1) Either understand and speak little or no English; or
> (2) Score below the statewide reference point or its equivalent on an English language assessment instrument approved by the commissioner."

What is the process for assessing eligible students?

To identify eligible students, districts must:

(1) Identify students in the district who are of foreign ancestry or birth, who speak a language other than English.
(2) Verify through English language assessment which of the students, identified as being of foreign birth or ancestry, who speak a language other than English, are eligible for State aid.

In order to meet both of these conditions, districts should follow the three steps which follow and are shown in chart form on page 8. A student determined eligible for State aid at STEP 1 need not go through further identification processes outlined in STEP 2 or STEP 3.

STEP 1. Identifying students of foreign birth or ancestry, who speak a language other than English.

Districts must identify all students of foreign birth or ancestry who speak a language other than English. Students' ancestry or place of birth can be determined by reviewing their school records or transcripts, where these are available. Districts may also obtain this information by interviewing parents in their native language or by asking parents to respond to a written questionnaire such as the one shown in Appendix B. The questionnaire should be in a language understood by the parents.

In STEP 1, students who cannot speak any English are eligible for State aid and require no English language assessment. These students must be placed in an appropriate program required under Part 154.

STEP 2. Determining oral English language skills.

Students who demonstrate some speaking ability in English in STEP 1 are assessed in oral English proficiency through an approved oral language instrument. A list of these instruments appears in Appendix A. Students should be tested according to the procedures recommended in the technical guide for the instrument being used. Students scoring at or below the "cut-off point" (level of acceptable oral proficiency) indicated for the selected instrument are eligible for State aid and require no further English language assessment. These students must be placed in an appropriate program required under Part 154.

STEP 3. Determining level of proficiency in reading English

Students who score above the "cut-off point" (level of acceptable oral proficiency) on the oral language instrument in STEP 2 are assessed in reading English through approved tests. A list of approved English reading tests appears in Appendix A. Pupils who score at or below the statewide reference point on a New York State test of reading in English, or who score at or below the 23rd percentile on a standardized test of reading in English are eligible for State aid and must be placed in an appropriate program required under Part 154.

Pupils scoring above the statewide reference point or the 23rd percentile on standardized English reading tests are not eligible for State aid under Part 154.

What other considerations are related to the identification process?

1) Prompt identification of students. English language assessment must be conducted as soon as possible after the student is enrolled in a district. The results of the English language assessment must be kept on file by the district.

2) Identification of LEP students with possible handicapping conditions. Districts should note the specific protection which is afforded by Public Law 94-142 to LEP children with possible handicapping conditions. All laws and regulations regarding entry screening and procedures for diagnostic evaluation of students with possible handicapping conditions must be followed.

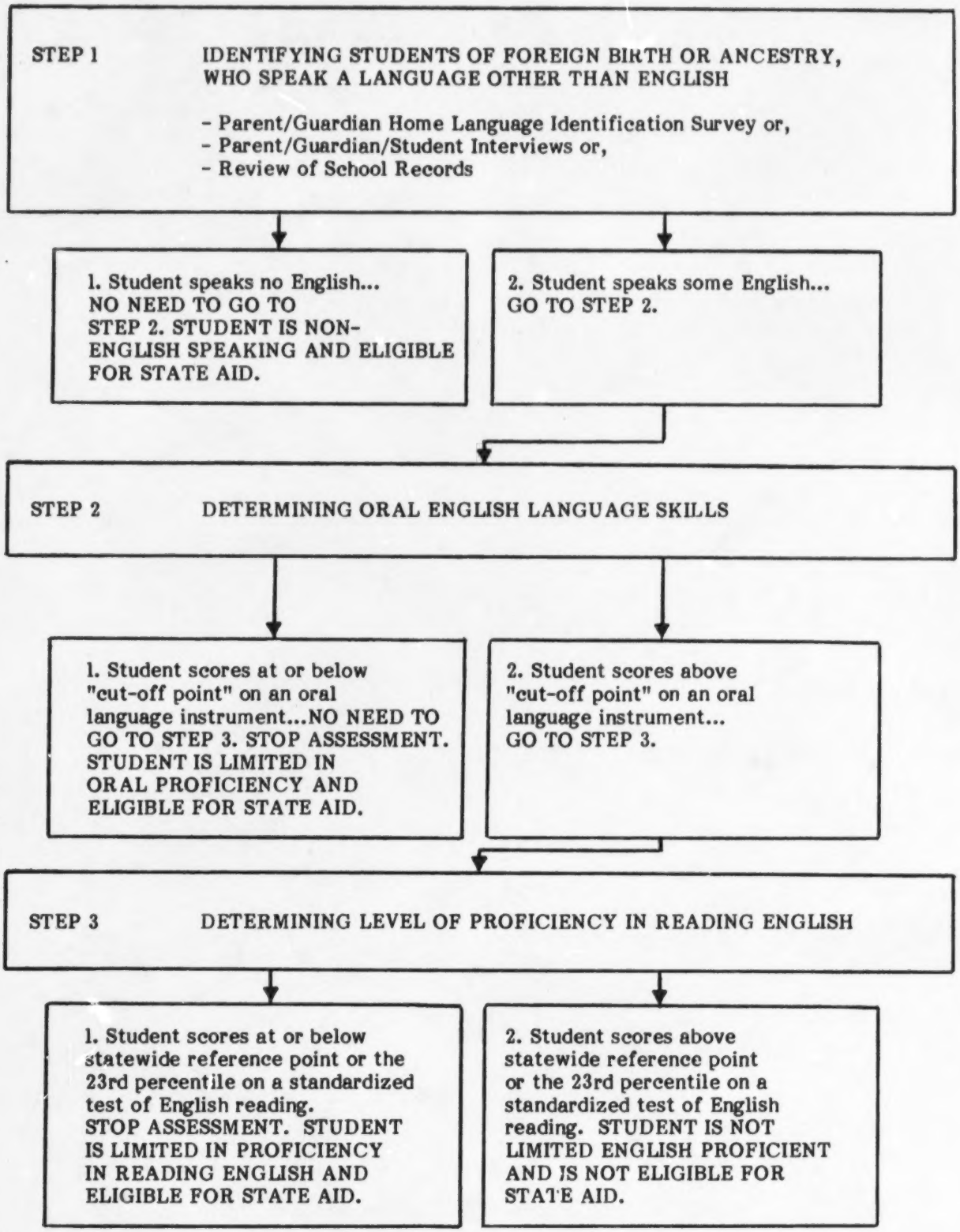
3) Individual placement of students for program instruction. All eligible LEP students must be placed in an appropriate program required under Part 154. LEP students usually fall into three groupings:

(a) Those who understand and speak, read and write no English at all;
(b) Those who speak little English, and have minimal proficiency in reading and writing English;
(c) Those who speak some English, and have difficulty in reading and writing English.

The instructional program should address the student's assessed need.

4) Determination of continued eligibility. An annual evaluation must be conducted to determine continued eligibility of students for State aid. Students continue to receive State aid and program services until they score above the statewide reference point or the 23rd percentile on a standardized test of English reading.

STEPS IN THE IDENTIFICATION OF ELIGIBLE LEP STUDENTS


STEP 1
IDENTIFYING STUDENTS OF FOREIGN BIRTH OR ANCESTRY, WHO SPEAK A LANGUAGE OTHER THAN ENGLISH
- Parent/Guardian Home Language Identification Survey or,
- Parent/Guardian/Student Interviews or,
- Review of School Records
1. Student speaks no English... NO NEED TO GO TO STEP 2. STUDENT IS NON-ENGLISH SPEAKING AND ELIGIBLE FOR STATE AID.
2. Student speaks some English... GO TO STEP 2.
STEP 2
DETERMINING ORAL ENGLISH LANGUAGE SKILLS
1. Student scores at or below "cut-off point" on an oral language instrument...NO NEED TO GO TO STEP 3. STOP ASSESSMENT. STUDENT IS LIMITED IN ORAL PROFICIENCY AND ELIGIBLE FOR STATE AID.
2. Student scores above "cut-off point" on an oral language instrument... GO TO STEP 3.
STEP 3
DETERMINING LEVEL OF PROFICIENCY IN READING ENGLISH
1. Student scores at or below statewide reference point or the 23rd percentile on a standardized test of English reading. STOP ASSESSMENT. STUDENT IS LIMITED IN PROFICIENCY IN READING ENGLISH AND ELIGIBLE FOR STATE AID.
2. Student scores above statewide reference point or the 23rd percentile on a standardized test of English reading. STUDENT IS NOT LIMITED ENGLISH PROFICIENT AND IS NOT ELIGIBLE FOR STATE AID.

III. TYPES OF PROGRAMS

Students determined to be eligible for State aid under Part 154 must be placed in a bilingual education or an English as a second language (ESL) program according to the criteria specified under Section 154.3(c) of the Regulations.

Section 154.3(c) requires that districts provide a bilingual education program, which includes English as a second language instruction, in schools where there are 20 or more students of the same language, at the same grade level. Districts with schools in which there are less than 20 students of the same language background, at the same grade level, must provide an English as a second language program and may also provide a bilingual education program.

All LEP students do not have the same proficiency in the English or native language, nor the same level of achievement in the content areas. Therefore, the instructional planners should consider each student's level of:

(1) English language proficiency.
(2) Native language proficiency.
(3) Achievement in required subjects such as mathematics, social studies, and science.

The sections which follow are guidelines for bilingual education and ESL programs.

A. BILINGUAL EDUCATION PROGRAM

Section 154.3(c)(1) of the Regulations states:

> "Each school district which has an enrollment of twenty or more eligible pupils with limited English proficiency of the same grade level assigned to a building, all of whom have the same native language which is other than English, shall provide such pupils with bilingual education programs including instruction in English as a second language."

A bilingual education program uses two languages for instruction, one of which is English. The program provides LEP students with learning experiences and academic growth in the language they understand, and simultaneously provides ESL instruction. Such instruction is provided until the students' English proficiency permits them to progress successfully through the required curriculum in the English language, at a rate similar to their English proficient peers.

It is important that the cultural background of all students be part of the instructional program. Use of the students' culture acts as a springboard for introducing them to their new culture. Respect for other cultures and an awareness and appreciation for one's own culture are elements of the bilingual education program.

1. Instructional Program

Each district should design a bilingual education program which best meets the needs of the LEP students, while taking into consideration the district's resources and goals.

All bilingual education programs, however, should have the following instructional elements:

a. ESL

Students should receive ESL instruction daily. ESL instruction is designed to develop the four language skills of listening/comprehension, speaking, reading and writing English.

The district should provide for at least three levels of ESL instruction: beginning, intermediate and advanced. Students should be grouped for ESL instruction according to the levels of English language proficiency which they demonstrated during the identification process.

Non-English speaking students and those who speak little English should receive ESL instruction emphasizing listening/comprehension and speaking skills until they demonstrate oral English proficiency as measured by an oral language instrument. Instruction in reading and writing English should also be initiated for these students. Those students who have demonstrated oral English proficiency, through oral language assessment but who have limited proficiency in reading English should be provided instruction in English which emphasizes reading and writing skills. They should also receive instruction in listening/comprehension and speaking skills in English. As students progress in English language skills, they should be advanced to the next level of ESL instruction. The chart on page 15 outlines the recommended number of daily periods for ESL instruction and the skills areas for each of the three levels of instruction.

b. Language Arts in the Native Language

It is recommended that language arts instruction in the native language of the students be provided daily. The instruction should include the four language skills areas: Listening/comprehension, speaking, reading and writing. Many of the skills areas developed through the native language can be transferred to English.

c. Required Subjects

Instruction in required subjects such as mathematics, social studies, and science, should be equivalent to the curriculum required by the school district and the State Education Department. Instruction in the content areas is provided in the students' native language when they speak little or no English. As the students' English proficiency increases, the amount of English language instruction in the content areas should increase accordingly.

d. Integration of LEP Students

Provisions must be made to prevent the segregation of LEP students for the entire school day. LEP students should take subjects such as art, music, and physical education with the general school population.

2. Organizational Patterns

There are various organizational patterns for bilingual education programs. Districts should adopt the patterns best suited to their needs. The following patterns are the three most commonly used. Other patterns might also be appropriate.

a. Self-Contained Classes

This pattern is most appropriate for the elementary grades. The students remain in the same classroom for most of the day, except during subjects such as art, music, and physical education when they may receive instruction with the general school population. Instruction is given through the use of the native language and through English by a certified bilingual education teacher. Whenever the district resources allow, ESL instruction is given by a certified ESL teacher.

The student/staff ratio should not exceed the level established by the district for the general school population.

b. Team-Teaching

This pattern is appropriate for the elementary grades. A certified bilingual teacher provides instruction in native language arts and the content areas in the native language for a minimum of half the school day. ESL instruction is provided by the bilingual teacher or by an ESL teacher. For the rest of the day, the students may be assigned to monolingual English classes, where they receive instruction in required subject areas with the general school population.

The team-teaching pattern requires that the teachers coordinate the instructional program to avoid duplication.

As in the previous pattern, the student/staff ratio should not exceed the level established by the district for the general school population.

Students who are not eligible for State aid may voluntarily participate in the team-teaching bilingual program, but these students may not be used as a basis for determining the district's State aid under Part 154.

c. Departmentalized Classes

This pattern is most appropriate for grades where instruction is departmentalized. Students are grouped for instruction in subject classes taught in their native language by certified bilingual teachers. ESL instruction is given by certified ESL teachers. The students are integrated with the general school population for music, art, and physical education.

As the students' English proficiency increases, students may be placed in required subject classes which are taught solely in English.

Summary

Districts are encouraged to use the organizational patterns best suited to their needs. The following summarizes the key elements of an ESL program:

(a) Instruction in ESL is provided daily.
(b) Students are grouped for instruction in ESL according to their proficiency in English (beginning, intermediate or advanced).
(c) Provisions are made for close coordination of instruction between the ESL and other teachers.
(d) ESL instruction is provided by certified ESL teachers (see Appendix C).
(e) The cultural background of the students is integrated into the curriculum.

B. ENGLISH AS A SECOND LANGUAGE PROGRAM

Where the number of students of the same native language background in a school makes it impractical to provide a bilingual education program, a district must establish, as a minimum, a program of ESL for all students eligible for State aid as per Section 154.3(c)(2) of the Commissioner's Regulations:

> "Each school district which has any eligible pupils with limited English proficiency of the same grade level assigned to a building, but which does not have twenty of such pupils with the same native language whch is other than English, shall provide a program of English as a second language, and may also provide a program of bilingual education to such pupils."

The purpose of the ESL program, as of the bilingual education program, is to assure that all LEP students acquire the English language skills which will enable them to complete the required curriculum in English. ESL is specialized instruction in the English language, which is provided by certified ESL teachers who use methods and techniques designed to teach a second language. Many ESL teachers are also trained to teach subjects such as mathematics, science, and social studies through these specialized language teaching techniques.

Students who speak a language other than English also come from a culture different from the general school population. The LEP students' culture can be used as a springboard for presenting new culture and should be taken into consideration as the instructional program is developed. Respect for other cultures and an awareness and appreciation of one's own culture are elements of the ESL program.

1. Instructional Program

Each district should design an ESL program best suited to the needs of the LEP students, while taking into consideration the district's resources and goals.

All ESL programs should have the following instructional elements:

a. ESL

Students in the ESL program must receive daily ESL instruction. ESL instruction is designed to develop the four language skills: Listening/comprehension, speaking, reading and writing English.

Once eligible students are identified, they are grouped for instruction according to the level of English language proficiency they demonstrated during the identification procedure. The program should provide for at least three levels of ESL instruction: beginning, intermediate and advanced.

Non-English speaking students and those who speak little English should receive ESL instruction emphasizing listening/comprehension and speaking skills until they demonstrate oral language proficiency on an English oral language instrument. Instruction in reading and writing English should also be initiated for these students. Those students who have demonstrated oral English proficiency on an oral language instrument, but who have limited proficiency in reading English, should be provided instruction in English which emphasizes reading and writing skills. These students should also receive instruction in listening/comprehension and speaking skills in English. As students progress in English language skills, they should be advanced to the next level of ESL instruction. The chart on page 15 outlines the recommended number of daily periods for ESL instruction and the skills areas for each of the three levels of instruction.

b. Required Subjects

Instruction in required subjects such as mathematics, science, and social studies, should be provided and be equivalent to the curriculum required by the school district and the New York State Education Department.

c. Integration of LEP Students

Provisions should be made to prevent the segregation of LEP students for the entire school day.

2. Organizational Patterns

A number of organizational patterns can be used to provide instruction in ESL. Districts are encouraged to adopt the patterns which best meet their needs.

The three most commonly used patterns follow. There are other patterns which might also be appropriate.

a. Resource Rooms

Students are assigned to an English language classroom where they spend the greater portion of the school day. The ESL teacher provides LEP students daily small group instruction in ESL in a resource room. The groups are usually homogeneous in terms of the students' age and English language proficiency.

This pattern requires close coordination between the ESL and subject area or homeroom teachers. It is advisable to establish a time when the teachers can discuss student progress, instructional goals and program modifications.

b. Self-Contained Classes

This pattern requires that the ESL teacher work with one group of students for the entire day and is usually most effective for students at the beginning level of ESL instruction. Since ESL teachers, in this pattern, are required to provide instruction in required subject areas, they must have the appropriate training in teaching the subject areas at the given levels.

c. Departmentalized Classes

This pattern is common at secondary school levels, where the program is departmentalized. It requires that students be scheduled for ESL classes. These should be organized in accordance with the students' level of English proficiency.

If the ESL teachers are not qualified to provide instruction in subject areas, the ESL teacher and the subject area teachers should coordinate their instructional plans and arrange time to discuss student progress, instructional goals and program modifications.

Summary

Districts are encouraged to use the organizational patterns best suited to their needs. The following summarizes the key elements of an ESL program:

(a) Instruction in ESL is provided daily.
(b) Students are grouped for instruction in ESL according to their proficiency in English (beginning, intermediate or advanced).
(c) Provisions are made for close coordination of instruction between the ESL and other teachers.
(d) ESL instruction is provided by certified ESL teachers (see Appendix C).
(e) The cultural background of the students is integrated into the curriculum.

ENGLISH AS A SECOND LANGUAGE INSTRUCTION

Grade	SKILLS LEVELS					
	Beginning Level		Intermediate Level		Advanced Level	
	No. of Periods	English Skills to be Developed	No. of Periods	English Skills to be Developed	No. of Periods	English Skills to be Developed
K	2	Listening/ comprehension and speaking.	2	Listening/ comprehension and speaking.		
1-4	2	Listening/ comprehension and speaking.	2	Listening/ comprehension and speaking. Introduction to reading and writing.	1	Reading and writing through ESL.
5-12	2	Listening/ comprehension and speaking. Reading and writing, where appropriate.	2	Reading and writing through ESL.	1	Reading and writing through ESL.

IV. ANNUAL EVALUATION

In order to determine continued eligibility for State aid, a student's English proficiency must be assessed at least annually, as stated in Section 154.3(b) of the Regulations:

> "A pupil's proficiency in English language shall be measured, at least annually, in order to determine further participation in a program of bilingual education and/or English as a second language. The eligibility of a pupil for such instruction shall continue until such time as the pupil achieves a level of English language skills which will enable the pupil to perform successfully in classes in which instruction is given only in English."

Pupils who score at or below the statewide reference point on a New York State test of reading in English, or who score at or below the 23rd percentile on other standardized tests of reading in English, are to continue in an appropriate program and will continue to generate Part 154 State aid. Students scoring above the statewide reference point on a New York State test of reading in English, or scoring above the 23rd percentile on a standardized test of reading in English, will not be required to participate in the program and will not generate State aid under this Part.

The district should implement a coordinated procedure for the assessment of students and the evaluation of bilingual education and ESL programs in order to avoid duplicative testing of students. Districts that receive multiple State or Federal funding for LEP students and, therefore, have multiple evaluation responsibilities, should identify instruments which can be used district-wide for assessing oral language, reading in English and the native language, and achievement in required subject areas. A carefully coordinated annual evaluation procedure will serve the following purposes:

(1) Assessment of each student's progress in the program.
(2) Determination of continued eligibility for State aid (for those students who score below the statewide reference point or below the 23rd percentile on a standardized English language reading test).
(3) Identification of students who are no longer required to participate in the program.
(4) Establishment of a needs assessment for the following year's program.

Districts receiving State aid under this Part report the results of LEP pupil achievement on the Local Education Agency Program (LEAP) Annual Evaluation Report at the conclusion of each school year.

V. DISTRICT PLAN

Services required under Part 154 of the Regulations of the Commissioner must be made available to all students eligible for State aid. Districts are required under Section 154.4 of the Regulations to develop a district plan which meets the needs of LEP students.

To be considered for State aid, districts must submit a completed application, including a description of the district plan for the provision of program services. The district plan should include information on: procedures and instruments used to identify eligible students; the instructional services provided; staffing and qualifications of personnel; coordination of State, Federal and local funding sources; and coordination of assessment and evaluation. The guidelines contained in this booklet should be reviewed carefully before the district plan is submitted to the State Education Department.

District plans must show how Federal, State and local funds will be coordinated to provide Part 154 program services. All funds should be used in a comprehensive manner to avoid duplication. Categorical programs already established by districts for LEP students which are funded under Federal (ESEA Title I and VII), State (PSEN) or local sources may be used to provide the bilingual education and/or ESL program required under Part 154.

Districts may use Federal, State and local funds to implement programs which exceed the minimum requirements of Part 154, but will not be eligible for State aid if the bilingual education and/or ESL program provides less than the minimum requirements of Part 154.

Through coordination and planning, different components of the comprehensive program may be funded by different funding sources. For example, districts may choose to fund all ESL instruction through ESEA Title I/PSEN funds, native language instruction through Part 154 State aid funds, and teacher training and curriculum development through ESEA Title VII.

VI. EXCEPTIONS

Some school districts are under court order to provide educational services to LEP pupils or have entered into agreements with Federal agencies such as the Office for Civil Rights to provide services.

When the educational program mandated by the court order or the agreement with a Federal agency is equivalent to, or exceeds, the requirements of Part 154, districts may submit the mandated program for approval in lieu of the requirements of Part 154. These districts, however, must be in compliance with the court order or Federal agreement in order to receive funding under Part 154.

Section 154.2(d)(1) of Part 154 of the Regulations provides the following exceptions to the program requirements in Section 154.3(c)(1) and (2):

> "A school district, which is subject to a court order or a party to a pre-existing agreement with an appropriate Federal agency requiring programs substantially equivalent to or in excess of those required under these regulations, will not be required to comply with these regulations and will be eligible for funds under this Part so long as the district is in compliance with the court order or agreement."

Copies of the court orders and/or Federal agreements must be included with the application for State aid and an assurance regarding compliance with the court order and/or agreement must be signed by the superintendent of the district. In addition, districts must provide a description of the program and an outline indicating where the mandated program is equivalent to, or exceeds, the requirements of Part 154.

When a district's court order or Federal agreement is determined by the Department not to be equivalent to the requirements of Part 154 of the Commissioner's Regulations, the district must meet the minimum requirement of Part 154 in order to receive State aid.

The State Education Department will monitor compliance of programs established under court orders and/or agreements with Federal agencies in the same manner in which it monitors programs required under Part 154.

APPENDICES

APPENDIX A

INSTRUMENTS FOR ENGLISH LANGUAGE ASSESSMENT

LEAP Code	Test Name (Edition)	Grade Level	Statewide Reference Point or Cut-Off Point
	New York State Tests of Reading		
01.5	PEP Reading Test	3	23rd percentile
03.5	Degrees of Reading Power (DRP)	6	Statewide Reference Points Vary with each Administration
06.5	Preliminary Competency Test in Reading	8-9	
09.5	Regents Competency Test in Reading	11-12	
	Standardized Tests of Reading 2/		
01.1	California Achievement Test (CAT) (1977)	K-12	23rd percentile
42.1	Circus (1978) 3/	PreK-3	
02.1	Comprehensive Test of Basic Skills (CTBS)(1979) 3/	K-12	
09.1	Gates-MacGinitie Reading (Gates) (1978)	1-12	
43.1	Individualized Criterion Referenced Test (ICRT)(1976)	1-8	
03.1	Iowa Test of Basic Skills (ITBS)(1978)	K-9	
04.1	Metropolitan Achievement Survey Test (Metro) (1978)	K-12	
04.2	Metropolitan Achievement Test (MAT) (1970)	K-12	
70.1	Metropolitan Instructional Test in Language (1978)	K-9	
71.1	Metropolitan Instructional Test in Reading (1978)	K-9	
34.1	Metropolitan Readiness Test (MRT) (1976)	PreK-1	
05.1	Sequential Test of Educational Progress (StepIII)(1978)	3-12	
06.1	SRA Achievement Series (1978)	K-12	
62.1	STS Educational Development Series (1976)	1-12	
08.1	Stanford Achievement Tests (SAT)(1973)	1-9	
07.1	Stanford Diagnostic Reading Test (SDRT)(1976)	1-12	
35.1	Stanford Early School Achievement Test(SESAT) (1970) 3/	1-2	
24.1	Stanford Test of Academic Skills (TASK)(1973)	8-12	
15.1	Tests of Basic Experiences (TOBE)(1975) 3/	K-1	
15.2	Tests of Basic Experiences (TOBE 2) (1978) 3/	PreK-1	

1/ If LEAP test code is not entered, the instrument is not considered appropriate for the evaluation of bilingual/ESL programs.
2/ Most standardized tests of reading include oral language subtests in the K-1 levels of the test.
3/ Spanish language edition is also available.
4/ Use publisher's recommended cut-off point for limited oral English proficiency.

Other Oral Language Instruments

83.1	Basic Inventory of Natural Language (BINL) 3/	K-12	Average complexity score of 50
1/	Bilingual (Bahia) Oral Language Test (BOLT) 3/	PreK-12	4/
1/	Bilingual Syntax Measure I (BSM I) 3/	PreK-2	4/
1/	Bilingual Syntax Measure II (BSM II) 3/	3-12	4/
1/	Carrow Elicited Language Inventory (CELI)	PreK-2	4/
1/	Ilyin Oral Interview Test	9-12	4/
1/	Language Assessment Scales I (LAS I) 3/	K-6	4/
1/	Language Assessment Scales II (LAS II) 3/	7-12	4/
1/	Language Facility Test 3/	PreK-12	4/
1/	Oral English/Spanish Proficiency Placement Test 3/	PreK-12	4/
1/	Oral Language Evaluation (OLE) 3/	K-1	4/
1/	Oral Placement Tests/ESL (NYSED)	7-12	4/
1/	Peabody Picture Vocabulary Test	PreK-12	23rd percentile
1/	Preschool Language Scale	PreK-1	4/
1/	Spanish/English Reading & Vocabulary Screening Test (SERVS) 3/	1-8	23rd percentile
1/	Test for Auditory Comprehension of Language (TACL) 3/	PreK-1	23rd percentile
1/	Test of Oral Comprehension-Interamerican 3/	K-1	4/
1/	Zip Test	1-6	4/

Other Instruments

12.1	Boehm Test of Basic Concepts 3/	K-2	23rd percentile
88.1	Criterion Referenced English Syntax Test (CREST)	7-12	Mastery of 65% of Objectives
84.1	Comprehensive English Language Test (CELT)	9-12	Raw Score of 200
18.1	Language Assessment Battery (LAB) 3/ 5/	K-12	23rd percentile

1/ If LEAP test code is not entered, the instrument is not considered appropriate for the evaluation of bilingual/ESL programs.
2/ Most standardized tests of reading include oral language subtests in the K-1 levels of the test.
3/ Spanish language edition is also available.
4/ Use publisher's recommended cut-off point for limited oral English proficiency.
5/ This instrument is not approved for program evaluation purposes.

BRIEF DESCRIPTION OF SOME INSTRUMENTS FOR ENGLISH LANGUAGE ASSESSMENT

1. California Achievement Test (CAT) (c1977); California Test Bureau (CTB) McGraw-Hill

   Levels: Level 10 (Grades K.0-K.9); Level 11 (K.6-1.9); Level 12 (1.6-2.9); Level 13 (2.6-3.9); Level 14 (3.6-4.9); Level 15 (4.6-5.9); Level 16 (5.6-6.9); Level 17 (6.6-7.9); Level 18 (7.6-9.9); Level 19 (9.6-12.9)

   Subtests: Level 10-Prereading, (listening, letter forms, letter names, letter sounds, visual discrimination, sound matching), mathematic concepts and applications; Level 11-Reading (phonic analysis, vocabulary, comprehension), language expression, mathematics (computation, concepts and applications); Levels 12 and 13-Reading (phonic analysis, structural analysis, vocabulary, comprehension), spelling, language (mechanics, expression), mathematics (computation, concepts and applications); Levels 14 through 19-Reading (vocabulary, comprehension), spelling, language (mechanics, expression), mathematics (computation, concepts and applications), reference skills.

   Forms: C (Levels 10-19), D (Levels 13-19)

2. Basic Inventory of Natural Language (BINL) (1977); CHECPOINT System

   Levels: One Level

   Subtests: None, however separate scales identified within the test include: (1) an index of language ability; (2) average sentence length; (3) fluency (total number of words) and average level of language complexity.

   Comments: Assesses oral language production; can be used in English, Spanish, and other languages; no norms.

3. Boehm Test of Basic Concepts (1971); The Psychological Corporation

   Levels: One level for grades K-2

   Subtests: None; measures understanding of 50 basic concepts; administered orally

   Forms: A, B

   Comments: Spanish edition available. Although normative data are provided, the test's usefulness in the classroom is based on criterion-referenced interpretation.

4. Circus; (1978) Educational Testing Service (ETS), Addison-Wesley Publishing Company

Levels: Age: A (PreK-K.5); B (K.5-1.5); C (1.5-2.5); D (2.5-3.5)

Subtests: Level A-What Words Mean, How Much and How Many, Look-Alikes, Copy What You See, Finding Letters and Numbers, Noises, How Words Sound, How Words Work, Listen to the Story, Say and Tell, Do You Know...?, See and Remember, Think It Through, Make a Tree, Activities Inventory, Behavior Inventory, Educational Environment Questionnaire

Level B-Sounds (ending components, beginning components, whole words), Listening comprehension (interpretation, vocabulary), mathematics (counting, numerical concepts, adding and subtracting, mathematics concepts, conservation)

Levels C and D-Reading (vocabulary, comprehension), phonetic analysis (consonants, whole words), listening, mathematics (computation, numerical and mathematical concepts, relational concepts)

Level D only-Writing skills (spelling, word structure, capitalization and punctuation)

Forms: X, Y

Comments: Also available in Spanish (El Circo); CIRCUS is continuous with STEP III.

5. Comprehension English Language Test for Speakers of English as a Second Language (CELT) (1970); Webster/McGraw-Hill

Levels: One level for grades 9-12

Subtests: Listening, structure, vocabulary

Comments: Local norms should be developed

6. Comprehensive Tests of Basic Skills, Expanded Edition (CTBS) (c1979); CTB/McGraw-Hill

Levels: Level A (Grades K.0-1.3); Level B (K.6-1.9); Level C (1.6-2.9); Level 1 (2.5-4.9); Level 2 (4.5-6.9); Level 3 (6.5-8.9); Level 4 (8.5-12.9)

Subtests: Level A-Letter forms, letter names, listening for information, letter sounds, visual discrimination, sound matching, language, mathematics; Level B-Letter sounds, word recognition (I and II), reading comprehension, language (I and II), mathematics (concepts and applications); Level C-Reading (vocabulary, sentence comprehension, passage comprehension), language (expression, spelling, mechanics), mathematics (computation, concepts and applications) science, social studies; Levels 1 through 4-Reading (vocabulary, comprehension), language (spelling, mechanics, expression), mathmatics (computation, concepts and applications), reference skills, science, social studies

Forms: S (all levels), T (levels 1-4)

Comments: A Spanish edition of Form S is available (CTBS Español). The CTBS series also has a locator or screening instrument (SERV Test). English and Spanish locators are useful for determining LEP eligibility.

7. Criterion Referenced English Syntax Test, Experimental Edition (CREST) (1978); Board of Education of the City of New York, Division of High Schools.

Levels: Beginning, Intermediate and Advanced; each can be used in grades 9-12.

Subtests: None; 25 objectives each at Beginning and Intermediate levels and 15 objectives at Advanced level are each assessed with 4 test items.

Comments: Normative (or reference group) data not available; CREST is potentially useful at intermediate and junior high school grade levels.

8. Gates-MacGinitie Reading Tests, (1978); Houghton Mifflin

Levels: Basic R (Grade 1); Level A (1.5-1.8); Level B (2.1-2.8); Level C (3.1-3.8); Level D (4, 5, 6); Level E (7, 8, 9); Level F (10, 11, 12)

Subtests: Basic R-Vocabulary, comprehension, letter recognition, letter sounds; Levels A-F-Vocabulary, comprehension

Forms: 1, 2, 3

9. Iowa Tests of Basic Skills (ITBS), (1978); Houghton Mifflin

Levels: Level 5 (Grades K.1-1.5); Level 6 (K.8-1.9); Level 7 (1.7-2.6); Level 8 (2.7-3.5); Level 9 (3); Level 10 (4); Level 11 (5); Level 12 (6); Level 13 (7); Level 14 (8-9)

Subtests: Level 5-Prereading; Levels 7 and 8-Listening, vocabulary, word analysis, reading comprehension (pictures, sentences, stories), language skills (spelling, punctuation, capitalization, usage), work-study skills (maps, graphs and tables, references), mathematics skills (concepts, problems); Levels 9 through 14-Vocabulary, reading comprehension, language skills (spelling, capitalization, punctuation, usage), work-study skills (map reading, reading graphs and tables, knowledge and use of reference materials, mathematics skills (concepts, problem solving, computation)

Forms: 7, 8

10. Metropolitan Achievement Test (MAT 78 or METRO) (1978); The Psychological Corporation

Levels: Primer (K.5-1.4); Primary 1 (1.5-2.4); Primary 2 (2.5-3.4); Elementary (3.5-4.9); Intermediate (5.0-6.9); Advanced 1 (7.0-9.9); Advanced 2 (10-12.9)

Subtests: Primer-Auditory discrimination, visual discrimination, letter recognition, phoneme/grapheme consonants, listening comprehension, sight vocabulary, mathematics (numeration, geometry and measurement operations), spelling, study skills; Primary 1-Auditory discrimination, sight vocabulary, phoneme/grapheme consonants, word part clues, vocabulary in context; Primary 2-Reading (word knowledge, reading), word analysis, spelling, mathematics (computation, concepts, problem solving); Elementary-Reading (word knowledge, reading, language, spelling), mathematics (computation, concepts, problem solving), Intermediate and Advanced-Reading (word knowledge, reading), language, spelling, mathematics (computation, concepts, problem solving), science, social studies

Forms: J, K

Comments: Both Instructional and Survey Batteries are available; the former is a longer test more appropriate for criterion-referenced interpretations.

11. SRA Achievement Series (1978); Science Research Associates

Levels: A (grades K.5-1.5); B (1.5-2.5); C (2.5-3.5); D (3.5-4.5); E (4.5-6.5); F (6.5-8.5); G (8.5-10.5); H (9-12)

12. STS Educational Development Series (1976); Scholastic Testing Service

Levels: Lower Primary (grades 2-3); Upper Primary (3-5); Elementary (4-7); Advanced (6-9); Senior (9-12)

Forms: R, S (normed in 1978 and are replacing forms A, B, C)

13. Sequential Tests of Educational Progress, Series III, (STEP III) (c1978); Educational Testing Service, Addison-Wesley Publishing Company

Levels: Level E (Grades 3.3-4.5); Level F (4.5-5.5); Level G (5.5-6.5); Level H (6.5-7.5); Level I (7.5-10.5); Level J (10.5-12.9)

Subtests: Levels E through J-Reading, vocabulary, comprehension, inference; writing skills, spelling, capitalization and punctuation, word structure and usage, sentence and paragraph organization, study skills, dictionary usage, library skills, reference skills, mathematics, numbers and operations, measurements, geometry and graphs, problem solving, mathematics computation; Levels E-H only-Study skills and listening, listening comprehension, following directions

Forms: X, Y

14. Stanford Diagnostic Reading Test (SDRT) (1976 Edition); The Psychological Corporation

Levels: Red Level (Grades 1.6-3.5); Green Level (2.6-5.5); Brown Level (4.6-9.5); Blue Level (9-13)

Subtests: Red Level-Auditory vocabulary, auditory discrimination, phonetic

analysis, word reading, reading comprehension; Green Level-Auditory discrimination, phonetic analysis, structural analysis, reading comprehension; Brown Level-Auditory vocabulary, reading comprehension, phonetic analysis, structural analysis, reading rate; Blue Level-Reading comprehension, word meaning, word parts, phonetic analysis, structural analysis, scanning and skimming, fast reading

Forms: A, B

15. Stanford Achievement Test (SAT) (1973); The Psychological Corporation

Levels: Primary Level I (Grades 1.5-2.4); Primary Level II (2.5-3.4); Primary Level III (3.5-4.4); Intermediate Level I (4.5-5.4); Intermediate Level II (5.5-6.9); Advanced Level (7.0-9.5)

Subtests: Primary Level I-Reading (word comprehension), word study skills, mathematics (concepts, computation and applications), auditory (vocabulary, listening comprehension), spelling; Primary Level II-Reading (vocabulary, comprehension), word study skills, mathematics (concepts, computation and applications), spelling, social studies, science, auditory skills (vocabulary, listening comprehension); Primary Level III through Intermediate Level II-Reading comprehension, word study skills, mathematics (concepts, computation, and applications), spelling, language, social studies, science, auditory skills (vocabulary, listening comprehension); Advanced Level-Vocabulary, reading comprehension, mathematics (concepts, computation, applications), spelling, language, social studies, science

Forms: A, B, C

16. Stanford Early School Achievement Test (SESAT) (1969-71); The Psychological Corporation

Levels: Level I (Grades K.1-1.1); Level II (1.1-1.8)

Subtests: Level I-Environment, mathematics, letters and sounds, aural comprehension; Level II-Environment, mathematics, letters and sounds, aural comprehension, word reading, sentence reading

Comments: Spanish edition also available; SESAT is continuous with SAT.

17. Test of Academic Skills (TASK) (1973); The Psychological Corporation

Levels: I (grades 8-10); II (grades 11-13)

Subtests: Reading, English, Mathematics

Forms: A, B

Comments: TASK is continuous with the Stanford Achievement Test (SAT, 1973)

18. Tests of Basic Experiences, Preliminary Edition (TOBE) (1970-72) CTB/McGraw-Hill

Levels: K (Pre-K-Kindergarten); Level L (Kindergarten-Grade 1)

Subtests: General concepts, mathematics, language, science, social studies

Comments: Also available with Spanish directions; separate norms for Spanish-speaking groups.

19. Tests of Basic Experiences, Second Edition (TOBE 2) (1978) CTB/McGraw-Hill

Levels: Level K (pre-K-Kindergarten); Level L (Kindergarten-Grade 1)

Subtests: Language, mathematics, science, social studies

Comments: Also available with Spanish directions; separate norms not available.

APPENDIX B

SAMPLE OF PARENT/GUARDIAN HOME LANGUAGE IDENTIFICATION QUESTIONNAIRE

Name of Child _____ Date _____

School _____ Grade or Level _____

Name of Person Completing the Survey _____

PLEASE ANSWER THESE QUESTIONS CONCERNING YOUR CHILD:

1. What is your relationship to the child? (check one)

   ( ) mother
   ( ) father
   ( ) guardian

2. What language did your child learn when he/she first began to talk?

3. What language does your family speak in your home most of the time?

4. What language does the mother speak to her child most of the time?

5. What language does the father speak to his child most of the time?

6. What language does the child speak to his/her mother most of the time?

7. What language does the child speak to his/her father most of the time?

8. What language does the child speak to other adults at home most of the time?

9. What language does your child speak to his/her brothers and sisters most of the time?

10. What language does your child speak to his/her friends most of the time?

_____
Signature

_____
Date

Adapted from sample survey found in A Manual for Community Representatives of the Title VI Lau Steering Committee, published September 1976 by the Institute for Cultural Pluralism, Lau General Assistance Center, San Diego State University, San Diego, CA. 92182.

APPENDIX C

AMENDMENTS TO THE REGULATIONS OF THE COMMISSIONER OF EDUCATION REGARDING CERTIFICATES VALID FOR TEACHING BILINGUAL EDUCATION AND ENGLISH TO SPEAKERS OF OTHER LANGUAGES

Pursuant to Sections 207 and 3004 of the Education Law

The Regulations of the Commissioner of Education have been amended, effective September 1, 1983, by the addition of a new section 80.9 and a new section 80.10 to read as follows:

80.9 CERTIFICATES VALID FOR TEACHING BILINGUAL EDUCATION

(a) Preparation. The validity of a provision or permanent certificate issued under this Part may be extended by the commissioner to include bilingual education if the holder of such certificate meets the requirements for both education and practice described in paragraphs (1) and (2) respectively, of this subdivision.

(1) The education required for extending a certificate to include bilingual education shall be as follows:

(i) for holders of a certificate issued under section 80.15 of this Part, the completion within or in addition to the program of preparation prescribed in section 80.15 of twenty-four semester hours of collegiate study at an institution with an approved bilingual education program in the following areas: history and culture of the group which speaks the other language; foundations in bilingual/bicultural education; first language teaching; second language teaching; methodology, materials and evaluation in bilingual education and bilingualism (applied linguistics, psycholinguistics and sociolinguistics);

(ii) for holders of a certificate issued under sections 80.5, 80.6, 80.7, 80.16, or 80.17 of this Part, the completion within or in addition to the program of preparation prescribed in sections 80.5, 80.6, 80.7, 80.16, or 80.17, of fifteen semester hours of collegiate study at an institution with an approved bilingual education program in the following areas: history and culture of the group which speaks the other language; methodology, materials and evaluation in the content area(s) in the other language; and foundations in bilingual/bicultural education.

(2) The practice requirement for extending a certificate to include bilingual education shall be the completion of a college-supervised student teaching experience in bilingual education, except that one year of paid full-time bilingual teaching experience on the level and in the area for which certification is sought may be accepted in lieu of the college-supervised student teaching when such experience carries the recommendation of the employing school district administrator.

(b) Language proficiency. A certificate shall be extended to include bilingual education only if the candidate demonstrates proficiency both in English and in the language of instruction other than English by levels of performance satisfactory to the commissioner on examinations acceptable to the commissioner.

(c) Interstate agreement on qualifications of education personnel. A provisional certificate may be issued to an applicant who has completed a program of preparation in bilingual education at an approved institution of higher education or who has attained an initial regular certificate which is valid to teach bilingual education in a state which has contracted with the State of New York pursuant to Education Law section 3030.

(d) Statement of continued eligibility. (1) A person employed in a position in New York State as a teacher of bilingual education for three of the five years immediately preceding September 1, 1983, may be issued a statement of continued eligibility pursuant to which such person may continue to teach bilingual education without a certificate or extension thereof described in this section, provided such person holds a permanent certificate which is valid for service in any area of certification set forth in this Part.

(2) A statement of continued eligibility shall be limited to the teaching of bilingual education at the grade level and in the subject area for which it is granted, but shall be valid for service in any school district.

(3) Applications for the statement of continued eligibility must be filed in the Department by September 1, 1984.

80.10 CERTIFICATE VALID FOR TEACHING ENGLISH TO SPEAKERS OF OTHER LANGUAGES (N-12).

(a) Provisional certificate.

(1) Preparation. The candidate shall hold a baccalaureate degree from a regionally accredited institution of higher education or from an institution authorized by the Regents to confer degrees and the programs of which are registered or approved by the department, and shall have completed within, or in addition to, that degree:

(i) Twelve semester hours in professional education to include study in methodology, materials, and evaluation of teaching English to speakers of other languages.

(ii) Twenty-four semester hours of collegiate study including twelve semester hours of study of a language and culture other than English (or the equivalent); study in sociological and anthropological aspects of language; linguistics including English linguistics; the foundations, theory and practice of bilingual/bicultural education.

(iii) College-supervised student teaching experience in the teaching of English to speakers of other languages, except that one year of paid-full-time school experience as a teacher of English to speakers of other languages may be accepted in lieu of the college-supervised student teaching when such experience carries the recommendation of the employing school district administrator.

(iv) Language proficiency. The candidate shall demonstrate proficiency in English by a level of performance satisfactory to the commissioner on an examination acceptable to the commissioner.

(2) Time validity. The provisional certificate shall be valid for five years from the date of issuance.

(b) Permanent certificate. The candidate shall have completed two years of school experience as a teacher of English to speakers of other languages and a master's degree in an area functionally related to the field of teaching service, as defined by the commissioner. The total program of preparation shall include the preparation required for the issuance of the provisional certificate.

(c) Interstate agreement on qualifications of educational personnel. A provisional certificate may be issued to an applicant who has completed a program of preparation in teaching English to speakers of other languages at an approved institution of higher education or who has attained an initial regular certificate which is valid to teach English to speakers of other languages in a state which has contracted with the State of New York pursuant to Education Law section 3030.

(d) Statement of continued eligibility. (1) A person employed in a position in New York State as a teacher of English to speakers of other languages for three of the five years immediately preceding September 1, 1983, may be issued a statement of continued eligibility pursuant to which such person may continue to teach English to speakers of other languages without a certificate described in this section, provided such person holds a permanent certificate which is valid for service in any area of certification set forth in this Part.

(2) A statement of continued eligibility shall be limited to the teaching of English to speakers of other languages, but shall be valid for service in any school district.

(3) Applications for the statement of continued eligibility must be filed in the Department by September 1, 1984.

Alternative Testing Procedures for Pupils Whose Native Language is Other Than English

The Regulations of the Commissioner of Education permit pupils whose native language is other than English, who first entered after grade eight a school where the predominant language is English, to demonstrate basic language and mathematics skills through alternative procedures. In the areas of reading and writing, the pupils must:

(1) demonstrate reading comprehension and writing skills in their native language at a level comparable to the requirements of the competency tests in reading and in writing, and

(2) demonstrate English language proficiency on examinations designed to measure English as a second language.

In the area of mathematics, the pupils must demonstrate mathematics skills in their native language at a level comparable to the requirements of the competency tests in mathematics.

Reading Comprehension and Writing Skills in the Native Language

To meet the minimum requirements for proficiency in their native language, non-English-speaking pupils may demonstrate a level of competence comparable to that required to pass a three-year modern foreign language Regents examination. If the pupil's native language is French, German, Hebrew, Italian, or Spanish, the languages for which there are Regents examinations, the pupil may pass the appropriate Regents examination.

If the pupil's native language is other than one for which a Regents examination is offered, the principal may use other examinations to determine that the pupil has achieved a level of proficiency in the native language comparable to that required for passing a modern foreign language Regents examination. The principal is also authorized to accept other examination scores in French, German, Hebrew, Italian, and Spanish in lieu of Regents examination scores, since some pupils may not have had an opportunity to take the appropriate Regents examination.

English Language Skills

To meet the minimum requirement for proficiency in English, pupils may demonstrate satisfactory progress toward mastery of the skills measured in the competency tests in reading and the competency tests in writing by results on a test of English as a second language.

The principal must certify that the pupil has attained an acceptable level of proficiency on a test or tests of English as a second language. The required level of English proficiency increases according to the number of years of English instruction the pupil has received. The pupil should demonstrate satisfactory progress toward the goal of reaching a level of proficiency in English comparable to that needed to pass the competency tests in reading and writing.

Examples of tests of English as a second language are provided on page 52. A brief description of the tests and the recommended minimum scores for one to four years of high school study in English are included.

Mathematics Skills

Pupils may demonstrate proficiency in mathematics in their native language at a level comparable to that required for passing the applicable competency tests in mathematics. Pupils whose native language is Spanish, Chinese, or French presently constitute approximately 95% of pupils who may need alternative testing procedures. Therefore, the State Education Department provides mathematics competency tests in French, Chinese, and Spanish.

If the pupil's native language is other than French, Chinese, or Spanish, the principal may use alternative examinations to determine that the pupil has achieved a level of proficiency in mathematics comparable to the competency tests in mathematics.

From Regents Examinations and Competency Tests: School Administrator's Manual (1981 Edition), The State Education Department, Albany, New York, 1981.